

SERVED: April 25, 1995

NTSB Order No. EA-4350

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 18th day of April, 1995

_____)	
DAVID R. HINSON,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	Docket SE-13805
)	
v.)	
)	
JAIME ALAN MCKEE,)	
)	
Respondent.)	
)	

ORDER DISMISSING APPEAL

The Administrator has filed a motion to dismiss respondent's appeal from the oral initial decision and order that Administrative Law Judge William R. Mullins rendered at the conclusion of an evidentiary proceeding held on December 19, 1994.¹

¹The law judge affirmed an order of the Administrator alleging that respondent violated sections 91.119(b) and 91.13(a) of the Federal Aviation Regulations ("FAR," 14 CFR Part 91), but did not sustain the alleged violation of FAR section 91.119(a). The law judge modified the order to provide for a 120- rather than a 180-day suspension of respondent's Airman Certificate Number 124523630. The Administrator did not appeal the dismissal of the charge or the reduction in sanction.

The record establishes that respondent filed a timely notice of appeal. However, the respondent has failed to file an appeal brief and, therefore, his appeal is subject to dismissal under section 821.48(a) of the Board's Rules of Practice.² 49 CFR 821. We will grant the motion, to which respondent has filed no answer.

ACCORDINGLY, IT IS ORDERED THAT:

1. The Administrator's motion to dismiss is granted; and
2. The respondent's appeal is dismissed.

HALL, Chairman, FRANCIS, Vice Chairman, and HAMMERSCHMIDT, Member of the Board, concurred in the above order.

²Section 821.48(a) provides as follows:

§ 821.48 Briefs and oral argument.

(a) Appeal briefs. Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.